

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JESSE WASHINGTON,)	No. C 10-0250 LHK (PR)
)	
Plaintiff,)	ORDER DENYING MOTION
)	FOR RECONSIDERATION
v.)	
)	
D. SANDOVAL, D. SANDQUIST, and K.)	
TOWNSEND,)	
)	
Defendants.)	
_____)	

Plaintiff, proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 seeking damages against state officials. On April 19, 2011, the Court granted Defendants' motion to dismiss for improper joinder, and dismissed Defendants Capreso and Martinez from this action. On May 9, 2011, Plaintiff filed a motion for reconsideration.

Motions for reconsideration should not be frequently made or freely granted; they are not a substitute for appeal or a means of attacking some perceived error of the court. *See Twentieth Century - Fox Film Corp. v. Dunnahoo*, 637 F.2d 1338, 1341 (9th Cir. 1981). "[T]he major grounds that justify reconsideration involve an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Pyramid Lake Paiute Tribe of Indians v. Hodel*, 882 F.2d 364, 369 n.5 (9th Cir. 1989) (quoting *United States v. Desert Gold Mining Co.*, 433 F.2d 713, 715 (9th Cir. 1970)). Rule 60(b) provides for reconsideration where one or more of the following is shown: (1) mistake,

1 inadvertence, surprise or excusable neglect; (2) newly discovered evidence which by due
2 diligence could not have been discovered before the court's decision; (3) fraud by the adverse
3 party; (4) the judgment is void; (5) the judgment has been satisfied; (6) any other reason
4 justifying relief. Fed. R. Civ. P. 60(b); *School Dist. 1J v. ACandS Inc.*, 5 F.3d 1255, 1263 (9th
5 Cir. 1993).

6 Plaintiff has not demonstrated that the Court's order warrants reconsideration.
7 Accordingly, Plaintiff's motion for reconsideration is DENIED.

8 IT IS SO ORDERED.

9 DATED: 5/24/11


LUCY H. KOH
United States District Judge